ALLEGATIONS

In behalf of the

High and Mighty Princeſs

THE

LADY MARY,

NOW

Queen of Scots,

Againſt the Opinions and Books ſet forth in the Part and Favour of the

LADY KATHERINE,

And the reſt of the

Iſſues of the French Queen,

Touching the

Succeſsion of the Crown.

Written in the Time of

QUEEN *ELIZABETH.*

London, Printed by *J. D.* in the Year 1690.

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ALLEGATIONS

In Behalf of the

High and Mighty Princes

THE

LADY MARY,

NOW

Queen of Scots,

Against the Opinions and Books set forth in

the Pretended Favour of the

LADY KATHERINE,

And the rest of the

Heirs of the French Queen,

Touching the

Succession of the Crown.

Written in the Time of

QUEEN ELIZABETH.

Lambe, Printed by S. D. in the Year 1590.

THE PUBLISHER TO THE READER.

I *Thought it not improper to subjoin the following Treatise, written by a Lawyer in Queen* Elizabeth's *Time, whether ever printed or no I cannot say, in favour of the Title of the Queen of* Scots, *against the Pretences of the Lady* Katherine, *descended from the French Queen, Sister to* H. 8. *and married to* Charles Brandon, *Duke of* Suffolk.

The Author shews himself skill'd in the Civil, as well as the Common Law; and tho he had occasion to maintain a strict Right of Succession to the next in the Line, according to which he will have it, that H. 4. H. 5. H. 6. *with-held the Crown by wrong; Which I suppose proceeded from his not observing what Parliamentary Confirmations their Possessions had; Yet himself says,* That we are all bound in Reason, to have always more regard to the State and Dignity of the whole Weal Publick, than of the private Preferment or Commodity of any particular Person. *Nay, he says it appears from History, that* many Princes settled in their Kingdoms, have been judged unworthy of their Callings, *for what would now be look'd on as a very slight Matter. And many things he speaks with great Judgment, which tend towards the justification of what has lately been done for the* Publick-Weal, *and Preservation of the* State and Dignity of this Realm.

THE AUTHOR TO THE READER.

AS every man may thinke it very neceſſary, bothe for the greate weale, and greate quyetnes of this State, to know certenly, to whome, of right, the Honour and Dignitie of this Imperiall State, and Crowne of this Realme of *England* ſhuld fall, or deſcend unto (yf ought ſhuld happe to Queene *Elizabeth* our ſupreame and moſt graciouſe Governour) whome it may pleaſe God longe to proſper with longe Lyfe, good Husband, and meny Children, to her Highnes contentation, and the generall weale and reaſtfull dayes bothe of her Majeſtie, and of the whole Realme: So thinke I that none can lyke well, that any, with eny coloured or deceyueable meane or argument, ſhuld go about to ſette forth or perſwade the naturall and lovinge Subjectes thereof; that the Succeſſion appertayned to thoſe, that in deede have no juſt Right, Title, or Intereſt to the ſame. And therfore becauſe ſome have endevored themſelfes by wrytinge to ſhew, that the Succeſſion apperteyned unto the Lady *K. Grey*, the which, as may appeerr, by no dyrect right or reaſon, can pretend eny juſt Title or Clayme thereunto. I have not thought it unfitt, heerby to ſhew the ſtate and troth therof more playnly, to ſuch, that ells, either by ſuch practiſes, or ells by ſuch workes, mought otherwyſe reſt deceyvid. And that I ſhal be thus occaſionyd to utter heerin, neither is, nor ſhalbe with eny mynd or motion to offer eny injury, or to ſtayne or ſpotte the Name or Honour of eny, but onely to anſwer thoſe Argumentes, the which as they be grounded upon no truth, ar ſo, worthy of no favour. And to anſwer therin, without wreſtinge or applyenge eny caſe otherwyſe, then the ſtate of the mater doth moſt playnly and truely crave the pronunciation of the Law. So that yf any thyng be ſayd, it is the very neceſſitie of the cauſe, ſo neceſſarelie for this ſtate and this tyme, to be thus touched, and the judgment of the Law towchinge the ſame, that ſpeakith or vtterith eny thinge, and ells no other diſpoſition. And bicauſe our Bond and Duty is rather to haue regard of the State and Dignity of the whole Weale Publik, and of the good ſucceſſe, proſperyte and quietneſſe therof, then of the undue title, or *intereſt*, of eny particuler perſon or perſons. I truſt this travaile may the rather be acceptid and taken in better parte.

And

And ſo to the Matter.

Firſt to the illegitimacion of the Lady *K.* and the reſte of th[e] Iſſues of the Frenche Q.

And after of theyr Force or Intereſt by the Wyll.

Touchinge the Firſt. It is notorious and well inough knowne, that when *Charles Brandon* Duke of *Suff.* maryed with the Lady *Mary* the Frenche Q. that he had then an other Wyfe lyvinge, which was the Lady *Margaret Mortimer*, with whome after mariage he lived dyvers yeres as lawfull Man and Wyfe: and after upon certayn diſcorde betweene theim, of his owne motion, without any fourme or maner of lawfull judgement, that he ſeperated him ſelfe from her and forſoke her. And what raſhnes or rather foly may it be comptid, to reply or wryte againſt ſo manyfeſt a troth with conjectures? as to ſay, it is not likely that K. *Henry* wold ever have conſented that his Sifter ſhould mary one which had an other Wyfe lyvinge. Since that ther is yet ſo meny lyvely Wittneſſes, the which of certeyn knowledge can be Teſtes, that *Charles Brandon* and the Lady *Mortimer* wer Man and Wyfe, and have ſeene and did know the Lady *Mortimer* longe after the mariage, yea, and peradventure after the death of the ſaid French Q. And touchinge the K. although it is to be thought, that yf he had known, that the Duke had had an other Wyfe lyving, that he wold not have conſentyd that his Sifter ſhold have maryed him: It might be notwithſtanding full well, and it is poſſible that yet he had one, and that the Kinge mought not know thereof. For as Princes have ben the greater or the mightier, ſo much the leſſe, comonly, have they ben wontyd to underſtand of the doinges in ſuch maters of pryvate Perſons. But in this caſe ther be as perfecte Clerkes, and of as goode underſtandinge as any were, at th' adviſe of theſe Bookes abrode, that ar of opinion certen, that the French Q. and the Duke wer matchid before the Kinge was prevy thereof: and ſome Pardon or Pardons obteyned for the ſame, upon ſmall ſearch, may happen to be founde that may teſtifye as much; and of neceſſity, we can no otherwyſe thinke, but that it was ſo: Synce that as much as is ſayd of the Lady *Mortimer*, may be affirmyd by the ſayd Witneſſes as a thinge moſt certeyne and notorious. The which beinge true, then is it certeyn that the Lady *Mary*, the ſaid French Q. cold not be his lawfull Wyfe. And that the ſaid *Charles*, Duke of *Suff.* could not lyve with her but in Adultery. For the wordes of the Lorde be playne. *(a) Quicunq; dimiſerit uxorem, niſi ob fornicationem, & aliam duxerit, mœchatur. Et qui dimiſſam duxerit, mœchatur.* Nowe that one borne in Adultery, and notwithſtanding is legitimate, that cannot be: And therefore the Lady *K.* beinge comme of one not legitimatly borne, cannot inherite, or be capable of the Crowne. And heerin it is to litle purpoſe to cavill with Canons or Decretalles of the Pope, againſt the playne and manifeſt Word of God, from whoſe uſurped Power, as this Realme is moſt happely delyvered; ſo hath his Lawes in the ſame loſte their force and vigore. But admitte that the Pope's Lawe had in *England* any Authoryte, at leaſt it ſhuld be an impious

The ſaide Charles matchid with the Frenche Queen 1515. She dyed Anno. 1532. La. Mortimer died An. 1533.

(a) Mat. 19. & Mare. 10.

thing in what place ſoever it wer, where the Worde of God is ſo cleere and certen, to ſticke rather to the Pope's Law, then to the Lawe of God. (*b*) But all this notwithſtandinge, lette us ſee what Reaſons they be beſydes, that ar brought in the favour of the Lady *K.* One is, forſooth, that the Lady *Mary*, the French Q. and the Duke of *Suff.* havinge lyved meny yeres togither as Man and Wyfe, and their Matrimony celebrated publikly in the face of the Churche, without eny thinge ſayd agaynſt theim duringe their lyves; that therfore though he had twenty Wyves then lyvinge, that yet the Children of the Queene and Duke are to be taken no other then as legitimate. And th' other, that it is ſufficyent for the legitimation of their Children, that the French Q. ſeemyd to have no knowledge that he had eny other Wyfe lyvinge.

(*b*) Parnormi in ca. ſuper illa de ſecundis nuptiis.

To theſe greate Reaſons, and their Authority, it is eaſy ynnough to anſwer. For it is a Maxime in the Civill Lawe, That that which from the beginninge is not good or lawfull, cannot with eny Proceſſe of tyme be betteryd. (*c*) And therfore the Matrymony not beinge lawfull at the firſt, no tyme is ſufficyent or able to make it lawfull. And yf that which is ſayde of the long contynuance of the Matrymony, without eny thinge ſayd agaynſt it, had ben ſuch to have comme in eny conſideration, it might have had ſome colour or ſhew of reaſon; the rather, yf the parſons agaynſt whom eny ſuch controverſie ſhuld have ryſen, had ben of ſuch degree or condition, as eny might freely have proceedid againſt theim. But they were Princes, the Woman the Kinge's Syſter, and the Man a Duke, and in greate favour with the Prince, in ſuch ſorte, that the greate and the iminent danger and perill that did depend therof, was, and is the aparaunt and manifeſt cauſe why no Man did or durſt begin with theim, or attempt eny ſuch matter, and ſpecially in a thinge that touchid any whitte the diſpleaſure or diſhonour of the Kinge himſelfe: And therfore that long contynuance in Matrimony, after that ſort, without controverſy, is not to be countyd for quiet and peaceable, but rather injurious and violent. (*d*) And ſuch as cannot help eny thing to the legitimation of the Children born in Adultery.

(*c*) L. quod initio ff. de regu. juris.

(*d*) Arg. l. in fi. C. de ann. exc. & l. 1. §. ſi quis autem ff. de iti. act. pri. C. quia. de conceſ. pre. l. §. 1. ff. quod vi aut clam. & l. de pupillo. §. ſi quis ff. de ope. noui nun. cum ibi not. per Bar. & alios.

To th'other, touching the ignorance of the Queen, although it were graunted, that ſome ignorance, in ſome ſort, might the rather ſhadow the illegitimation of the Children; yet it is not therfore that every kynde or ſorte of ignorance mought be acceptid to bolſter forth ſuch cauſes, but a probable ignorance: for the Lawe tendith to the favour of the vigilent and diligent in their own cauſes, and not to the wilfull, floathfull, or negligent. And thoſe that contract with eny, they ought to know and underſtand eche of the others State and Condition, (*e*) and not to underſtand that is commonly brutyd, is to be attributed unto the Parties default. (*f*) And ſuch a kind of ignorance is callid a Voluntary, or ellis a deſſembled Ignorance, and helpith nothing to the ligitimation of the Children, the Matrimony beinge contraty to the publike Lawe of Honeſty, even by the Canonicall and Civill Law; (*g*) for ſynce *Charles Brandon*, after Duke of *Suff.* had lyved with the firſt Wyfe ſo long, being of ſuch a callinge, and ſhe his Wyfe, of ſuch a Houſe, and ſuch a Lyvinge, and in the ſame Countrey; It had ben very eaſy, with eny

(*e*) l. qui cum alio contrahit. ff. de regu. juris.

(*f*) l. quod verba ff. depon. & l. ſi ut certo. §. nunc videndum. ff. commo. cum ibi notatis.

(*g*) Cap. cum inhibitio. de clan. deſp.

never

never ſo little a diligence uſed, to have come to the knowledge, whether he had had eny other Wyfe lyvinge, or no. And the Lawe entendith, that one that either doth underſtand, or ells is in abilitie eaſily to underſtand, to be all one. (*b*) Since then the French Q. yf ſhe had lyked eny thinge to have herkened, ſearched, or demaundid, moght eaſely have had intelligence, whether the Duke had eny Wyfe lyving or no; It is as much as if ſhe had known it: ſo doth it manifeſtly appeere that the Children born in ſuch Matrimony, cannot, by eny meane, be reputyd or taken for legitimate, or able to eny Enheritance, and much leſſe of the Crowne, ſynce that *for the Honor and Dignitie of the Realme, whoſoever ſhuld be worthy or capable of the Crowne, it is meete, that not onely they ſhuld be free from eny ſtayne or ſpotte, but alſo from all ſuſpicion of eny.* As *Julius Ceſar* ſayd of his Houſe, when, for the onely ſuſpicion of Adultery, he did put away his Wyfe, ſayenge; *That the Houſe of* Ceſar *ought not only to be without Vyce, but alſo without all ſuſpicion of eny.* Beſydes, if you ſhould conſent to put your ſelfes in ſubjection to ſuch ſo unworthely born; Behold, and conſyder, I pray you, by the way, how farre off yow ſhould ſhew your ſelfes inferior in conſideration, from the many and noble Examples left unto us by other Countreys, as particulerly of later Memory, by the Noble Nation of the *Spayniardes*. Where a Daughter beinge borne of the Queene, Wyfe to *Hen.* 3. Kinge of *Caſtile*, and moſt ſpeache, great preſumptions and ſecreat murmuracion therof paſſinge, that not the Kinge, but an Adulterer, ſhuld be the Father therof. The Barons, Earles, and other Nobles of the Realme, did aſſemble together; and conſydering *what ſpotte and infamy it ſhuld be unto the whole Nation and Countrey*, yf in time cominge they ſhuld have their Q. a Woman thoght of, and eſteemyd but as a Baſtard, did not only deliberate not to acknowledge, or not allowe of her as legitimat Heyre of the Realme, after the death of the Kinge; But wold without delay be diſchargid, and aſſurid from that gratte diſhonor and infamy. And therupon ſo became moſt humble Suters to the K. that *as it apperteynid unto the Honour and Dignitie of him and of the whole Realme*; It moght ſo pleaſe him to repudiate the Q. as Adultereſſe, and declare that Daughter not to be his, but borne in Adultery. Shewing him beſydes, that *yf he wuld not have regard unto his owne Honour, and to do that, that touched ſo much his Eſtate, and the Dignytie of the whole Countrey; that they, for their partes, could not, nor would not ſo much forget their Duties to ſuffer it. But rather determyned to depoſe him, as a Man that made ſmall compt, either of his Callinge or Honour, and therefore unworthy of the Crowne.* By which yow may ſee how farre ſuch Occaſions may ſometymes cary Men paſt the termes of their Callinges; wherof did grow afterward greate Contention, and finally that Daughter never admittyd unto the Crowne, but the Succeſſion transferred unto the Lady *Iſabell*, Siſter of the K. A Queene, for her Valour and rare Vertues, of great Fame and Renowne. And yet, notwithſtanding, accordinge to the Canonicall Lawe, (of force and ſtrength in ſuch Caſes as moſt proper Judge) although the Adultery of the Queen indeed wer more then manifeſt, yet moght they have preſumyd that the Child had beñ rather of the Husband,

(*b*) l. pen. ff. ad tract. l. in bonorum. in fine ff. de bonorum poſſ.

The Caſe of the putative Prince of Wales.

then of the Adulterer; ſo favorable are thoſe Lawes unto the Birth. But thoſe Noble Men, as jelous of the Honour, Fame, and Reputacion of their Countrey, did thinke that *it importyd a great deal more to mayntayne and aſſure the Dignitie of the whole Realme, refuſinge a Perſon of doubtfull Birth, then to have reſpecte unto the particuler Intereſt of that Child.* And thus tendrid theſe ſo much this Honour, that they could not, nor wold not tary the tyme to entreate of the Succeſſion, when it ſhuld happe, but wold, by and by, put the mater out of doubt. And you, when it is ſo needfull, and the tyme doth ſo require it, to knowe one certeynly for your Prynce and juſt Governour heerafter; Will you make nō compt herof? They, I ſay, for theſe reſpectes, did refuſe one, that according to th' ordinary courſe of the Law, they moght eaſely have preſumed of to have bēn legitimate: And will yow ſubmitte your ſelfes to a perſon, that, accordinge to the ordinary and Canon Rule and Order of the Lawe, is ſo manifeſtly knowen, taken and ſhewyd, diſcendid playnely as illegitimate? Oh take heede, for yf ever this happe in your Heddes, what other thinge will it turne or growe unto, but vnto an open and univerſall declaration unto all the World, that yow, betweene Honour and Diſhonour, Right or Wronge, cauſes of Proſperyte or Ruyne, do make no difference at all: Which opinion once conceyvid of yow, boaſt, bragge, or compare after, the Nobilitie or Excellency of your Countrey, or the Stouteneſſe of your Selfes, with other Nations, ye may well ynuough; but whoe wyll not rather mocke or ſcorne at your madneſſe or folly, then beleeue yow as of eny Reaſon or Judgment?

And this that is ſayd (as is before touchid) hath auctoryte, and is, both accordinge to Divine, Canon, and Civill Lawe, and beſydes, accordinge to the Lawe of Nature and Reaſon. But though we ſhuld admitte, that by the Canon Lawe theiſe deſcendentes of the French Q. were to be tolleratyd or allowid as legitimate, yet doth it not follow, for all that, that in this Realme they ought to be taken or accompted for ligitimate or inheritable: Bicauſe that for eny to be borne legitimate, heritable or Baſtard Heere, is judged, not accordinge to the Canon Law, but accordinge to the Lawe of the Realme. And this doth appeere manifeſtly, by the Statute of *Merton*, Cap. 9. Where the Biſhops inſtanced the Lordes, that they wold conſent that all ſuch as wer borne before Matrimony, ſhuld be legitimate according to the Canon Lawe, as well as they that wer borne within Matrimony. Which could not be obteyned; but determination made, that they ſhuld ſtande unto the Lawes of the Realme, and not unto the Canons: And that one borne of a ſecond Wyfe (the firſt ſtill lyvinge, by occaſion of ignorance, that the ſecond Wyfe may pretend, that the Husband had no other Wyfe alyve) ſhuld be taken or compted for ligitimate or inheritable, is not auctorized by our Lawe. But playnly the contrary, as may appear by *Bracton*, *Glandvill*, *Britton*, *Parkins*, and the whole courſe of the Lawe. Wherfore to alledge that it is not lawfull to compt ſuch for Baſtardes after their death, though during their Lyfe they wer taken or compted for no other, then as legitimate, is a poore healpe, a ſlender proof, and to this purpoſe makith nothinge at all; for *Littleton*, Cap. of Diſcentes doth declare, that this continuance to purge

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the Baſtardy, is not to be alleadgid in every ſorte of Baſtardie, but in that onely that is born of the Woman that the Father doth after marry, with other Circumſtances, as may appeer, farre from this Mater. But to object that heerin might further have fortunyd, though peradventure there hapt never eny ſueh mater, becauſe nothinge may be thought of now, or ells remembrid heerafter, that in this caſe to the uttermoſt that might have chaunſed, may not preſently be fully ſayd unto, and anſweryd; Let us admitte, for the ſalvinge of the Baſtardy of theſe Iſſues, that the Pope's Bulle mought have been obteynid, (which though both agaynſt eny godly and lawful Matrimony, and agaynſt the Law of the Lande, perhappes, mought eaſely have been compaſſed) yet notwithſtandinge ſhuld the ſame have made as little to the purpoſe, as th' other proper Reaſons before alledgid: For ſuch a Bulle (though it had ben of valour in *England*, as it is neither now, nor yet ever was when the Pope was heere in greatiſt Authoryte) ſhuld either haue pronounced and declared the ſame Children to haue ben legitimately borne; or ells of Baſtardes, it ſhuld have made theim legitimate.

In as moche as it ſhuld have declarid theim to haue ben legitimately borne, it had ben needefull that it ſhuld haue ben with pronuncinge the Matrimony with the ſaid Queene and Duke legitimate, notwithſtandinge the other Wyfe had ben alyue; and that could not have ben grauntyd, (the caſe being as it was) but vpon ſome falſe or fayned ſurmiſe. And therfore, accordinge to their owne Lawes or Canons, it ſhuld haue ben of no force or valour. But let it haue ben accordinge to what Canon they had lyſted; the Common Law of this Realme of *England* ſhuld never haue ben bounden by any ſuch Bulle, and ſpecially when the mater vpon eny Poynt of Illegitimacion is to be callid in queſtion, by reaſon of eny Iſſue joyned vpon Baſtardie, after the death of the Parties, which ar to be impeached as Baſtardes, by reaſon of eny ſecond, or other Mariage, during the Lyfe of the firſt Wyfe, the ſame being never upon eny Sute at the Common Lawe brought in Queſtion, whileſt the Parties in whome Baſtardie is not allegid, lyvid. The greateſt doubt that in ſuch caſe mought haue hapt, is, that if the mater had ben callid in queſtion at the Common Law, duringe the Pope's Juriſdiction in the Lyues of eny of the Children of the ſaid Duke and the Frenche Queene (which be now all deceaſſed) and an Iſſue had ben joined vpon general Baſtardy, or vpon ſome other generall Iſſue of Divorce, the ſame ſhuld then haue ben tried by the Certificate of the Ordinary; and therby, perhaps, by ſomme ſuch ſleightful Certificate, the vnlawfull Doings of the Pope (if eny ſuch had ben in his tyme) might ſo haue ben allowed covertly. But allowing it were triable at this day by the Ordinary, the Pope's Diſpenſation carryeth not in our Law the Juriſdiction of the Ordinary; nor is not ſo to be receyvid, but it muſt recyve a Tryal directly by th' Ordinary, whoſe Certificate muſt proceede accordinge to ſuch mater as may informe a Truthe, or ells it muſt receyve the Tryall by a Jury of twelve Men, according to the common uſage of Tryalles. And whoe can thinke, if the cauſe of eny ſuch ſeparation, ſtirred upon no juſt Motion, but onely of corrupte or fleſhly diſpoſition, ſhuld come now in queſtion; that either eny Ordinary, or ells eny Jury, in ſo

Vid. Bracton, *F.* 216. upon the *Statute of* Merton, *he mentions a ſpecial return at that time required. Of which more in the ſecond Part.*

playne and open Bastardy, wold either so farre forgeete or hazard theimselfes, or elles exceede the Bondes of their Dutyes to God, their Countrey, or all honest Reputation to the World, to certify such Issues to be ligitimate; wherby no Controversy shuld be decyded, but rather dangerously encreased, and the whole Government of such a Noble Realme therby brought unto a double Bastardy as the case now standith: For touchinge th' Issues betweene the Duke and the French Queene, yf question be askyd whether they be lawfull? answer is made, They are not, because the Duke was first lawfully marryed to the Lady *Mortymer*, and contynued with her above seven Yeres; and that he was maryed after to the French Queene, duringe the sayd Lady *Mortymer*'s Lyfe, whoe overlyved the byrth of all the French Queenes Children: Which answer, by our Law, cleerly distroyeth the seconde Mariage, and makith it voyde, and so all the Issues cleerly Bastardes. And this is th' absolute Judgement of our Lawe, so as now th' Issues of the French Queene cannot eny way help theimselfes, but they must first destroy the first maryage, which our Lawe will never disallowe untill it be first disanulled. And therfore yf the Duke of *Suff.* had had eny Issue by the L. *Mortimer*, those Issues shuld haue ben allowed his Heyres, by our Lawe, notwithstandinge the Mariage after with the French Queene. And therfore for that the French Queenes Issues rest disabled in poynt of Common Lawe, they must make theimselfes able, by some such proofe as may satisfye the same Lawe, before they can be receyvid. And yf they seeke their relief by eny dispensation from *Rome* (as is sayd) it servith not, although ther wer a Dyvorce to be proovyd by eny such Instrument. And it is most true, that they ar able to proove no lawfull Devorce within the Realme, though by search it hath not onely ben perceyvid, but is evidently to be provyd howe meny corrupte and subtile attemptes by sundry meanes hath ben taken in hande to countenance those matches with the French Queene and other, as by a supposition of a Sute sued betweene one *Anne Browne* and the said *Charles Brandon*, wherof shuld aryse the displeasure betweene the Lady *Mortimer*, and the said *Charles* her Husband, seven Yeres and more after their Mariage: During which time the said *A. B.* God wotte, never tooke it so earnestly as she once complaynid to the Lawe, or ever thought of the Mater, nor as it seemith wold ever haue done, yf in this tyme the sayd *Charles* had not consumyd the sayd Lady *Mortimers* Welth and Lyvelyhoode, and found her Yeres not answerable to his Yeouth and wanton Disposition; for satisfyenge wherof, this Acquayntance, that Bely risinge, and these Practises after hapt with the same *Anne*. Wherof riseth now these feeble-groundid Historyes, this Speche, and these Devices, that she forsooth shuld be precontracted to him before, and had a Childe; which Childe, eight Yeres after, is knowen well inoghe, was but two or three Yeres olde at the moste. A strange case; and yet she had it at seventeen, or ninteen, and was but twenty at the tyme of this supposed Divorce, when the sayd *Charles* and she came togither. Well, I say no more, for the Case is skant worth the speakinge of; but yf this Mater wer to be shewid, ye shuld see such a patron of a Divorce, as they that sayneſt wold have it, wold sooneſt be ashamyd to countenance their Title

upon

upon the ſame; and yet theſe Paſſages thus hapt in theſe Dayes, and in that Lyfe, from better to worſe, advoutry upon advoutry, and ſuch other ſtuff.

But how vayne is it to wryte, or to occupy yow with theſe Degreſſions, as with what mought haue ben, what is ſuppoſed to haue bene, or ſuch other vayne and frivolous practiſes or ſhifts; as heerafter may be, when it behoovith ſo much preſently to conſyder what in this caſe properly may and ought to be? And therfore becauſe it is one of the moſt aſſuryd wayes to underſtand what the Lawe willeth, or is in eny queſtion to admitte, that the Mater were at preſent to be decided by dewe courſe of Lawe, with all the Pollicies that on bothe partes may be uſed for their moſt avayle and purpoſe, and ſo to bringe the ſame in Forme of Lawe to ſuch a poyne, as judgement may be therof gyven rightly. Take heerin for Enſample, that *I. S.* made a Gifte of Lande to *Charles* Duke of *Suff.* and the Frenche Queene, after their Mariage, and the Heires of their Bodyes; and now the ſame *I.S.* bringith his Action of Formedowne in reverter for the ſame Lande, agaynſt the Lady *K.* and her Sifter, and the reſydue of that Lyne; and ſuppoſeth that the Land ought to him to revert, for lacke of Iſſue lawfully begotten betweene the Duke and the French Queene: and they come and pleade, by way of Barr, the Mariage betweene the French Queene and the Duke, and convey the Pedegree lineally. Wherunto *I. S.* replieth, and ſhewith a former Maryage with the Lady *Mortimer*, and averrith her Lyfe after their Birth. And the Lady *K.* and the reſt, cannot by Lawe maynteyne their Barr, and deſtroy his Title, unleſſe they pleade a lawfull Divorce; and yf they pleade eny ſuch, yet the ſame ſhall not be under the Pope's Bulle, but by the Certificate of th' Ordinary, and for that th' Ordinary hath no Recorde, or other lawfull Proofe, wherupon he can lay eny Foundation to certify any lawful Divorce, therfore the Certificate cannot be avaylable. And ſo to conclude, ther is no doubt in the troth of the caſe, and by lyke reaſon no doubt in Lawe (if you will allowe the Proceedinges accordinge to troth) but that the Baſtardie remaynith, and is not able to be purged.

And yf the Bulle ſhuld have ben to make the Children of the ſayd Queene and Duke of Baſtardes legitimat, beſydes the Reaſons before alledgid, which ar as effectuall in this purpoſe as in the other; yet it is moſt true, that ſuch legitimation had ben of no more force or Vertue heere in this Realme of *Englande*, then they be of in thoſe Contreyes that ar at the Pope's Obedience. And who ſoever is legitimated ther of the Pope, is not to be underſtandid for all that, to be legitimate to inherite, but in the Lands that do belonge vnto the Churche. (*i*). And beſydes, who ſoever, is legitimate, and abled generally to eny Dignitie, is not in that neither to be underſtandid legitimatid vnto a Royall Dignitie. (*k*) And the Reaſon is, that whoſoever is borne Baſtard, though he be after made legitimate, is ever reputyd, notwithſtandinge, as infamous. (*l*). And theſe Reaſons may ſerve alſo to the Allegations before ſayd, of the innocency of the Queene, and the contynuance of the Matrimony without controverſy: for they do declare playnly, that although the Lawes, where they entreate of eny other Enheritance, ſhuld make

(*i*) Imo, in ca. per venerabilem qui filii ſint legi.
(*k*) Barthol. & Bal. in l. eam quam. C. de inde. con.
(*l*) Bal. in lege generaliter §. cum autem. C. de inſt. & ſubſti. ſub condi. factis. & Alexan. in 3. ff. de il. & poſt.

as legitimate the Children ſo borne (the which indeede they no ways can do, as we have partly proovyd) notwithſtanding that the ſame Laws could never be alledgid in caſe of Succeſſion to eny great Dignite, and chiefly vnto a *Royal Dignitie, in the which the whole ſtate of the Common Wealth hath intereſt.*

And beſydes, touching the dooble Baſtardy before remembryd, though we ſhuld admitte that of the legitimacion of the Lady *K.* there wer no doubt or queſtion, yet ſuch hath ben her Life, and Behavour, and ſo much hath ſhe ſtayned her ſelf and iſſue; as ſhe is to be thought unworthy of the Crown: for ſhe was maryed (as ye know) to the Lord *Herberd*: The Mariage was perfected by all neceſſary Circumſtances; ther was conſent of the Parties, conſent of the Parentes, open ſolemnizinge, contynuance after, till lawfull Years of conſent, and in the mean time carnall Copulation, all which ſave the laſt, are commonly knowne by dyuers that ſawe theim, and the laſt, which to all other might be moſt doubtfull, is known by the confeſſion of them both, and ſo made the more lykely to be true, bicauſe ſhe her ſelf (though in ſuch thinges that Sexe be moſt covert and ſhamefaſt) hath yet earneſtly acknowledgid the ſame: after which Conſummacion every Man knowith that albeit the Matrimony had been before for lacke of Years not vaylable, that yet thereby it commith and is made perfect, and of fulkforce and valor. In ſorte that the Divorce and Sentence that was ſo dryven, procured and practiſed by the means of the Erle of *Penbroke* in Queen *Maryes* Reign (for reſpects then well ynough knowne) agyinſt both the Parties Wills as moſt manifeſtly appeeryd, not onely by their greate unwilligneſſe unto it then, but alſo by their affectionate and willinge manner of lyving, continent meny Years after, continuing in mutuall Love teſtified by ſondrey means, meny Tokens, Meſſingers, and other ſignes of the ſame, cannot be of eny force to breake the ſayd Matrimony, *niſi de facto.* (*m*) But during this delay, ſhe by daliance fell to carnall company with th' Erle of *Herforde*, which was not deſcryed till the bigneſſe of her Belly bewrayd her yll happ. In which what was commityd on both theire behalfes, while he th' Erle unlawfullie companyed with the Wyfe of an other Man, and ſhe the Wife of one Man, did gyve her Body to be uſed of an other Man unlawfully, ye may eaſely judge. But this done the L. *Herbert* ſeeinge himſelf thus deceyvid by his Wyfe, did (as he might lawfully) joyne himſelfe in Marying with an other Woman, and that Lyfe and Uſage betweene the Lady *K.* and the Erle beinge confirmid by dooble Iſſue, as it was utterly unlawfull before God, ſo was it founde unlawfull before ſuch Biſhoppes, and other Commiſſioners, as had the heeringe of the ſame, and their Iſſue baſtardid; wherupon doth fall out, as ye ſee, greate wickednes and laſhnes of Life in the Mother, and baſtardy in the Children. And it is not unknowne, to thoſe converſant in the Hiſtoryes, that *meny Princes ſettlid in their Kingdomes, have ben judged unworthy of their Callinge for lyving in Whoredom*; And how can ſhe be countyd worthy to come to a Kingdome, which, as her Caſe ſtandith, cannot but lyve in lyke manner? Surely, yf ſhe were the next Heire of the Bloud Royal, her Fault is much the greater ſo fowlie to have ſpottyd the ſame: For as by this Whordome ſhe hath deſervyd grevous Puniſh-

(*m*) De ſponſal. cap. 30. is qui fidem.

ment

ment, in *diſparaginge and diſablinge the Bloud*; ſo hath ſhe, by vyolatinge Maryage, cut off all hope of havinge lawfull Iſſue by her to ſucceede and poſſeſſe the Crowne heerafter: For by the Law that God gyveth, (*n*) *Deut.* 23. A Baſtard, and unlawfull borne Perſon, may not beare Rule in the Church, or Common-Weale: He is counted a *Stranger*, as the Hebrewe word importith; and to the perpetuall deteſtation of Whoredome was this Lawe made, to puniſhe the Parentes Faultes juſtly in their Children. The Civil Lawe lykewyſe doth not onely puniſhe ſuch Perſonnes as make ſuch unlawfull Matches, but removith the Iſſue, ſo borne, from the Inheritance, or takinge by Legacy eny thinge of the Parentes. (*o*) And thus do yow ſee, by the way, thus much of this double Baſtardie; and what Stay, Comfort, or Conſolacion is lykely to come to this Realme of *England*, by the L. *K.* and ſuch Iſſue as ſhe now hath, or is lykely to haue heerafter, though ſhe her ſelf were by her Parentes free from Baſtardy, as by the Proces, and Allegacions before alledgid doth playnly appeere ſhe is not. Wherfore, to retourne to the Mater before in hand, and to conclude therof. Since eny Spotte, or ſuſpicion of eny, is ſufficient barre from th' Inheritance of a Crowne, much more cauſe is this playne and open Baſtardy; for *we ar all bounde in reaſon to haue alwayes more regard to the State and Dignitie of the whole Weale Publique, then of the pryvate Preferment or Commodyte of eny particuler Perſon.* And ſo doth it appeere, that by no way, neither by the Divine Lawe, nor by the Common Lawe of this Realme, nor yet by the Canon or Civill, that the Children deſcendid of the ſayd Queene and Duke, can be capable of the Crowne by their Birth.

(*n*) Deut. 23.

(*o*) Co. de inceſt. & inut. nup.

But touchinge the other Parte, they alledge in favour of the Lady *Katheryne*, Kinge *Henry* the Eight his Will, by which they ſay ſhe is lefte as Heire. Which may be as playnly and eaſely anſwerid; For it is as certeyn that Kinge *Henry* ſhuld have had no Auctoritie or Power to diſpoſe of the Crowne by Will, *yf by Parliament it had not ben gyven him.* And therfore as much as the Force and Autorytie of the Parliament dothe extend unto, ſo much might he do, and no more. And the words of the ſame Statute, though they be generall, they may not, for all that, be ſo largely taken or underſtandid, as they may be ſtretched vnto: For who will ſay, that by thoſe wordes, *there is Power or Facultie gyven to appoynt or gyve the Crowne to eny Perſon, that accordinge to the Lawe and Dignitie of this Realme, is not meete or capable of the ſame?* As vnto a *Turke*, an *Infidele*, an *infamous or opprobrious Perſon*, to a *Foole*, a *Madde-man, or generally to eny kynde of ſuch Perſon*; *as of the which, if ſpecial mention had ben made, it is lykely that the Parliament wold never have conſentyd or agreid thervnto: as at the makinge of the ſame Statute, yf eny had gone about to have pennyd it in this ſorte*; *that ſuch ſhuld ſucceede and enjoye the Crowne, as K.* Henry, *either by his Letters Patentes, or elles by his laſt Wyll, ſigned with his moſt gracious Hand, had namyd, what Parſonnes ſoever they had ben, although they were infamous, madde, impious, or ſuch other before rehearſed: it is not lykely that in this maner or forme the Parliament wolde have allowed or paſſed ſuch a Statute.* And that, that is not lykely they wold have conſentyd vnto

by wordes in ſuch ſorte ſpecially expreſſid, It is not to be thought, or underſtandid, that ſuch Perſons ſhuld be capable and fit for that Callinge, *& omni exceptione majores.* And it is playne and notoryous (as is before-ſayd) that to be borne in Adultery, or of eny other unlawfull ſorte or matche, is reputid and taken a Spotte, and that a greate one, not onely by the Lawes of Man, but alſo by the Lawes of God, (*p*) and ſo unworthy and unfitte, ar ſuch to be thought capable of the Crowne, that in all States, where they uſe to gyve or graunte eny Seigniories, Titles, or Liberties in Fee, as Baronyes, Erleſhippes, Markeſhippes, and ſuch other, the Baſtardes ar never thought worthy to be admittid *unto the Succeſſion, although that they be made legitimate.* But they muſt ſpecially be ablyd vnto the ſucceſſion of the Fee by the Prince. (*q*) And yf they cannot inherite, or be capable of their Titles and Honours, which ar not, *nor cannot be comparyd vnto a Royall Dignitie, how ſhuld they be thought worthie or capable of a Crowne?* And that, that is ſayde of Baſtardes, is to be underſtandid alſo of thoſe that pretendith the Succeſſion as Heires of Baſtardes. And ſynce this Realme *makith no leſſe eſteme of the Honour and Dignity of the ſame, then eny other Nation doth of theires, it is not lykely that ſpecially they would graunt unto the Kinge Power or Authoryte, to gyve or leve the Crowne to eny Perſon not legitimately borne, or to their Children, or to eny ſuch Perſon, upon whoſe Birth and Proceedinges there might growe ſuch ſtryfe, diſpute, or contention,* accordinge to the ſaying of *Ceſar*, and example of other a litle before remembryd. And *ſince it is not lykely that the Parliament wold haue condiſcendid ſpecially unto it, it followith, and we muſt conclude, that ſuch a Graunt cannot be comprehendid by general words.*

(*p*) Sapien. 3, & 4. Deut. 2, 3.

(*q*) Bartol. & Bald. in l. eam quam. C. de fidei com.

But though he had Power or Authority to diſpoſe of the Crowne, to the Heires of the Lady *Francys*, and the Lady *Eleanor*, it is trewe yet notwithſtandinge he could not do that, but with the Condition and Forme, that by Power of the Parliament was gyven him, that is, either by his Letters Patentes, vnder the Greate Seale of *England*, or ells by his laſt Will, ſigned with his moſt Gratious Hande.

By Letters Patentes without doubt he hath not done it, and ſo of the Will is the Controverſy. But beinge able to make a ſufficient and perfect Will, to all other intentes and purpoſes, either in puttinge to his Hand, or ells in not puttinge to his Hand; yet yf the Kinge have made his Will, without puttinge unto his Hand (as ther be Wittneſſes ſufficient, and ſome of thoſe that ſubſcribed the ſame Teſtament, in that behalf can ſo truely and plainly teſtify, that he hath, as there is no ſuch Cauſe left therfore either of ſuch doubt, or elles of ſuch conferringe, or comparinge the Prothocall with the Signe or Stampe, as thoſe that haue ſette foorthe theſe Books wold ſeeme to make; then it is playne and manifeſt that he hath not done it to this purpoſe, accordinge to the forme and maner preſcribed vnto him by the Statute. And every Acte or Deede that is done without the Forme preſcribed by Lawe, is inſufficient, (*r*) as well accordinge to th' Expoſition and Rules of the Civill Lawe, as ells by th' Expoſition and Rules of the Common Lawe of this Realme

(*r*) L. 1. in pr. ff. de ſtipula. l. traditionibus. C. de pac. l. 1. C. de pred. cur. lib. 10.

for

for accordinge to the Civill Lawe it is playne, and ſo taken, though the Matters they entreate of be in favourable Cauſes; yet the lacke of Forme is no wayes borne withall or excuſed. (s) And much leſſe heerin, conſideringe the Forme requyrid by the Statute, is compiled with ſo meny greate, goode, important and probable Reaſons: For the Succeſſion of the Crowne beinge a Cauſe of ſuch greate weight, and in which ther was ſo greate occaſion to doubt ſo many haſſardes of indirect or ſubtile dealinge, they had goode cauſe to preſcribe ſuch a Maner and Forme to make the Will by, as wherby they had leaſt occaſion to feare or ſuſpect eny counterfetinge, confuſe, or ſiniſter behavour in the ſame. And ſo, accordinge to the Civill Lawe, in that Teſtament that they call a Solempne Teſtament, in the which there is required meny Circumſtances; yf eny of thoſe do lacke, the Teſtament, or Will, is of no force or valour. (t) Beſydes, accordinge to the ſame Lawe, all Statutes, or Agreements made, that takith away, or correctith eny thinge of or from the Courſe or Body of the Lawe, is reputed and taken as odious, and ought to be taken ſtrictly, even accordinge to the Letter as the worde ſtandith. And this Statute wherof we now ſpeake, is ſuch a One: For wher the Succeſſion of the Crowne ſhuld have gone whither the Common Lawe had apoynted or directid it, as vnto the next by the Statute of 35 of *Henry* the Eighth; K. *Henry* had Auctority to leve it to whome he lyſted. And therfore this Statute is to be interpretid ſtrictly and preciſely as the worde gyveth: That is, that Kinge *Henry* onely by his Letters Patentes, vnder the Great Seale of *England*, or elles by his laſt Wyll, ſigned with his moſt gratious Hand, might name whome he would to the Succeſſion of the Crowne, and not otherwyſe. And lykewiſe by the Common Lawe of this Realme, the Statute is moſt plainly a direct abridgement of the ſame, by reaſon it takith from the Common Lawe, the naturall limitation of th' Inheritance of the Crowne, and appointith it owte of the Rule of the Lawe, to the Order and Limitation of Kinge *Henry*; beinge in this reſpect authorized but as a private Perſon. And it is in ſome degree a Penal Lawe, for it takith the Title of a Kingedome from thoſe that by the Common Lawe have a Right, and makith, in poynt of execution, a Subject of a Prince, and contrarywyſe a Prince of a Subject; which is not onely penall, as hauinge reſpect to the loſſe of their Title to the Crowne, yf it ſhuld ſo happe, as God forbidd; but alſo it is ſo penall, that if ſuch ill Chaunce ſhuld unfortunately befall, it makith Traytors of thoſe that will clayme their Inheritance, although their intent were but to try their Titles. And it is a Learninge by the Common Lawes of *England*, that longe hath ben ſo receyvid, that in every ſuch caſe as eny of theſe happen, no Expoſition is to be allowed; but the Lawe willith us to cleve to the Letter, without eny further wreſtinge therof, then the Letter naturally and ſtrictly will reache unto. So that if it be not a ſtricte obſervation of the Letter, according to his natural entent, in any of theſe caſes the Common Lawe allowith it not. And the rather the Lawe is preciſe herin, for that it is a newe Statute, which ſeldome ar taken by equite in eny point, becauſe they ar all pennyd at large. As for Example; I will remember one or twoe, which

(s) L. cum hi. §. ſi pretor. ff. de tranſa. Bal. conſ. 324. volu. 20.

(t) Juſtin. de teſta. & lege jube. Cibidem.

may ſuffice to ſuch as be Learnyd, to ſearch for other of lyke effect, wherof ther ar not a few. In *Anno* 1. of Kinge *Edward* the *6th*, ther was a Statute made, That if eny were condemnid for the ſtealinge of Horſes and Mares, they ſhould loſe their Clergy; and becauſe the words Horſes and Mares were the plurall nombre; it was taken not to extende to one Horſe, or to one Mare. And ſo for that cauſe a new Statute was made, *Anno* 2. of the ſame K. that made lyke Lawe for ſtealinge one Horſe, or one Mare. And the chief cauſe of this was, becauſe it is a Penall Statute, in takinge from a Man that, wherby his Lyfe might be ſavid. In K. *Richard* the *3ds* Tyme, there was a Statute made to Auctorize *Ceſt a que uſe* to enter vpon his Feoffees, and make Feoffementes. And it was in queſtion, in *Anno* 9. of *H.* the *7th*, yf he made a Letter of Atturney, whether this were good by the Statute, and lefte therfore a doubtfull queſtion, by reaſon the Statute gyveth auctoryte onely, which muſt in all poyntes be obſerved. And ther is a greate deale more coulour to make that Feoffement goode, being by Letter of Atturney, then to make this Will to this purpoſe goode, not ſigned with the Kinges owne Hande: For if eny other put his Hande therunto, and not the Kinge himſelf, then it is ſigned with an other Hande, and not the Kinges Hande. And yf I gyve Auctorytie to my Executors to ſell my Landes, and ſay no further; then, yf they ſell the ſame by Wrytinge, or without Wrytinge, it is ſufficient; but if I adde theſe wordes, That they ſhall ſell my Landes, ſo that they do it by Wrytinge, ſigned with their proper Handes; yf now they ſell the ſame, and th' one cauſe the Reſidue, in all their preſence, to wryte all their Names, as thoughe every one had ſeverally ſubſcrybed; I hold it no queſtion, but this Sale is not good; for they muſt purſue their Auctorytie ſtrictlye, and otherwyſe it is of no effect: And conſyderinge, as is partly before remembryd, how greate a mater it was to committe ſuch a Truſt, it were a greate lacke and ſlander to the whole Parliament, to thinke that they wold condiſcend to the committinge of ſo high and weightie a Confidence, as wherof the whole Eſtate and Weale of the Realme ſhuld depend, but that they did forſee that their doinges therein ſhuld not be blynded by a Wrytinge ſigned with a Stampe, which might be put vnto, either when the Kinge was voyde of Memory, or els when he was deceaſſid; as indeed it after happenyd, as moſt manifeſtly appeeryd by open declaration made in Parliament by the late L. *Paget*, and others, that King *Henry* did not ſigne it with his owne Hande, as it is playne and probable inough by the Pardon obteynid for one *William Clerke*, for puttinge the Stampe vnto the ſayde Will after the Kinge was departid: and who doubtith but yf his meaninge had ben ſuch, ſo to haue diſpoſed of the Crowne, but that he wold have put this mater out of doubte, by ſignifyenge the ſame with his owne proper Hande.

The ſame thing was urg'd by Lethington *the Secretary of* Scotland, *in a Letter to Sir* Will. Cecil. *Appendix to the 2d Vol. of the Hiſt. of the Ref.* F. 269.

And touchinge the two chief Examples that ar brought foorth, the one of the 21 and 33 of K. *H.* th' Eight, wherby K. *H.* was auctHorized to gyve his Royall Aſſent to Actes of Parliament, by his Letters Patentes, and ſo foorth: and th' other, for that Queene *Mary* omittyd the ſtyle that was apoyntid by Parliament, in 35

of

of *H.* th'Eight, in her Parliament Writts, howe little they make to the matter every Man may judge: For the Statutes of 21, and 33 of *H.* 8. were only made in affirmance of the Common Lawe, and ſuch a Royal Aſſent wold ſuffice, by Letters Patents without eny aſſurance thereof by the Signe. And this Statute was but to put ſuch matter out of queſtion; for if the Common Law had ben ſuch before, there is no doubt but that he muſt haue ſigned every Patent with his proper Hande; and ſo theſe Caſes are no way lyke. And touchinge the ſeconde, yf the Statute that conteynith the King's Style be well conſyderid, there wold be made thereof no ſuch Collection. For the ſame apoyntith a puniſhment to ſuch Subjects as of purpoſe depryve the K. of the Realm, of that Stile. But there is no doubt, but the Writts that wantyd the Stile, were in Lawe ſufficyent, and the Parties that made the ſame, puniſhable. So that theſe Examples cannot be wreſtid to ſerve eny whit for the purpoſe.

And where ther is made a great mater by reaſon the Will was inrollid in the *Chancery*, and *Conſtats* thereof made under the Broade Seale, and the Legacyes thereof in all poyntes performyd. To that may be anſwerd; That all that is therein affirmed may eaſily be confeſſed, and yet it proovith nothinge to th'intent applied; for it was his Will is ever he condeſcendid thervnto, though he did never ſigne it with his Stampe, nor with his Hande, and a goode and a perfect Will to all Entents and Purpoſes, whereof he had by Common Lawe Authoritye to make his Will of.

But it is not, or cannot be the more a perfect Will to this reſpect or purpoſe, vnleſſe he did execute the auctoritie apoyntid by the Statute of, 35 of *H.* 8. as is before remembryd. Since then the Duke had a Wyfe lyvinge, when he maryd the Frenche Queene, and by the Statute ther is nothinge to be Claymid, onles K. *Henry* had paſſed eny things either by his Letters Patentes under the Broade Seal of *Englande*, or ells by his laſt Will ſigned with his moſt gracious Hande: And that it is trewe, that he had a Wyfe lyvinge when he maryd the Frenche Queene; that ſo if it were requiſite, or hereafter may be, there mought be avouchid more then one, with much other matter touchinge that poynt of Illegitimacion and Inhabilitie, as well in thinges paſte, as alſo in thinges preſent: And that moſt certeynly there was never either eny ſuch Letters Patentes paſt under the greate Seale of *England*, nor yet eny ſuch Will ſigned with his moſt gratious Hande, as ſufficient Witneſſes yet lyvinge can well teſtify. Theiſe two maters touchinge the legitimation and validitie of the Will in that behaulf, of eny indifferent Perſon, I truſt, may be acceptid as fully and truly anſweryd.

And thus (lovinge Reader) have I vtteryd and layd before the theiſe caſes as they ar. And whome wold it not moove to commpaſſion, to behould the ſtate of theſe thinges? or whoſe Engliſh Harte wold it not grieve, even to every parte of it, to fynde any ſuch Bookes countenanced, or accompt made of ſuch Baſtardie ſlippes (as appeerith by thoſe Opinions and Bookes, ſpredde) to enherite ſo noble a Realme, our moſt deere and natural Countrey? as though it wer either ſo infortunate, ſo curs'd of God, or elſe ſo farre from

Mercy, that ſuch ſhuld be fitter for the ſame, without eny colour of eny juſt Title, to plague it with moſt infamous Diſſention, Warre, and all other Confuſion, and ſo to bring it to vtter ruyne and deſtruction; then thoſe to whome of right it ought, both by the Lawe of God and Man moſt iuſtly to belonge vnto. What is he that eſteemith or tendrith the proſperyte of the Countrie in the favour of God, or the good fame or fortune of the Worlde, that wold ſeeke to exalt vnto the Government therof ſuch *infamous and ſpottyd titles*, with which is lynked alwayes ſuch wrathe of God, and th'Effectes thereof, with ſuch continuall ſtryfe and contention; before the vnſtaynid true and perfect Inheritors apoynted by him, and by his Lawes, to ſette forth his Glory: and by whoſe Juſtice ſuch ar alwayes proſperyd and defendid: to their own honour, and the great weale and ſafety of their Subjects, as longe as they remayne in his feare, and obedyent vnto his Lawes and Ordinances. *But what might be ſayd further: If thoſe in greate face and ſhew of great zeale and iuſtice, and in greate authoritie, hath ſo much neglected their Duties, and ſo much preferryd theire owne Ambitions and corrupte Deſyres, before the Honour and Service of the Realme, as ſuch have not ſticked to further theſe ſpottyd and coulerid Titles, and alſo to encourage other to fall vnto the ſame. What a caſe is this, that ſuch ſo placyd, ſhuld go aboute to extol ſuch motions of Diſhonour and ruyne of their naturall Countrey, and yet remayne with their Callinge in ſo greate countenance of honour for their Good and faithful Service.* O England, *blame thow not the inferior ſorte ſo much, that doth but receyve theſe thinges as it is miniſtryd unto them, by whoſe credyte and perſuaſion they may be eaſily abuſd. But ſeeke thou to decifer and diſcover ſuch Abuſers, as have more regard to mainteyne theimſelfes, by whoſe overthrowe, or what wronge ſo ever it be, then to proceede dirertly to thy Service, either to the Honour of God, Author and Favorer of all Truth, or els to thy Weale, Proſperytie, and quietnes. And I exhorte the, and exhorte the agayne, not to ſuffer thy ſelf to be ledde and caryd away with eny ſuch foule iniurious Perſwaſion, either of ambitious Abuſer, or ſuch other corrupt or vnadviſed Perſon.* For ſuch foule iniurious and falſe perſuaſions ar apt to no other ende, but to ſerve Sedition, Diſcord, and Diſſention in the, and overthrow alſo all thoſe that dealith with theim. And how hard and perilous it is to obteyne a Crowne by eny injuſt or finiſter Title, and how much harder the things gotten, it hath ben to contynew and keepe the ſame, we may daily ſee and learne in dyvers Hiſtoryes of ſondry places by ſuch lyke Fortunes, and of the in that of K. *H.* 4. *H.* the 5. and *H.* the 6. who after they had *withholden the Crowne by* wronge, with the loſſe of meny a Manne's Lyfe, two diſcentes, wherin paſſed forty Yeres and more; at laſt were overthrowne and quite confoundid, and it reſtoryd to Kinge *Edward* the Fourth, that rightly requyrd and lawfully obteynid the ſame. Compare theſe togither, and conſider what multitude of Friends ſuch continuance in poſſeſſion was lyke to make, and of what fame and worthyneſſe the Princes were, and yet that the 3*d.* and laſt could not enioy the ſame, all that notwithſtandinge. And it may be ſuppoſd, that there is fewe ſo ſimple, ſo farre from reaſon, or ſo affectionate, but may thinke that K. *H.* the 6

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was much more abler to defend ſo longe a contynued Poſſeſſion, then the Lady *K.* or eny comminge of the French Queene is able both to gayne the lyke, and afterwards to keep it. By which, and ſuch other Examples, we may call to mynde, that God doth not favour thoſe that doth vſurpe with eny injuſt or indirect Title agaynſt his Will and Ordinance. And what greater miſhappe, diſcomfort, or Miſery can happ to eny, then after the liftinge up to ſuch a degree, or th' attaininge of eny ſuch deſire, in a moment to loſe all, and to be caſt downe to vtter confuſion, both they and all their Freendes for ever. Conſider, for the love of God, the Honour of your Countrey, the Suretie and Quietnes of your Freendes and Neighbours, Kynſemen and deere Country-folkes! remember the Threttes pronouncyd of God againſt all Injuſtice, and call to remembrance where aboute yow goe, ye that ſtudy and endeavour your ſelfes to ſette forth theſe falſe and deceyvable Titles in the parte or favour of eny; and beholde, that inſteade of the ſhadow of your vndewe Deſire, to the greate hazard and perill of the tranquill and peaceable ſtate of your moſt deere Friendes, and natural Contrey, that yow do but procure bothe, to ſuch as how wold ſeeme to favour, and alſo vnto your ſelfes, ſuch danger, grief and ſorowe, with ſuch yll and adverſe Fortune, as your moſt bitter and dedly Enemyes could no way wyſh yow greater.

And to conclude, thus much is due to th'Anſwer of the Bookes abroade, with th'advancement of the Lady *Mary* the French Queen's Iſſue, and ſettinge foorth of theſe Caſes of Baſtady, before yow: that after theſe maters thus manifeſtyd, there ſhuld inſewe of ſuch Errors the leſſe inconvenience, and that ye might thereby hereafter the better judge what were in theſe caſes the fitteſt, both for the honour of God, and the Weale, proſperyte, and quyetnes of the whole Realme. But thow, O *England*, ar, by the Grace and greate Mercy of God, vnder the Gouernment of our moſt Gracious and Prudent Queene, who hath the ſame tender and lovinge care of the Weale-Publike, that the moſt carefull and lovinge Mothers have not greater for the Weale & Saufety of theire moſt deere and beſt-belovyd Chyldren; of the which there may be daily ſeene moſt apparente and manifeſt Examples. Her maieſtie havinge governid thee, with the noble aſſiſtance of her Counſell, ſo meny Years, without manifeſt Danger, and greate perill of Civill Warre, and moſt miſerable ſlaghter (as the caſe yet ſtandith) it is not to be thought, but that the Floude of Bloode (from which God defend thee) that otherwiſe might be ſhedde, doth continually flowe before her Highnes pitifull and moſt mercifull Eyes. And that her Maieſtie taryeth but ſome goode tyde, moſt carefully to provyde for the ſame, as may be poſſible. Which it may pleaſe God to graunte vnto her Highnes, for th'Honer of Him, and the greate Benifyte of the whole Realme, with moſt convenyent ſpeede. *Amen.*

20. Martii 1565.

God ſave Queene *Elizabeth.*